

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

REYNA ALLEN,

Plaintiff,

Civil Action No.  
10-CV-12043

vs.

HON. MARK A. GOLDSMITH

SUN LIFE FINANCIAL ASSURANCE CO.,

Defendant.

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**ORDER DENYING AS MOOT DEFENDANT'S MOTION TO STRIKE AFFIDAVIT  
[DE#18], PLAINTIFF'S MOTION FOR CLASS CERTIFICATION [DE#19], AND  
DEFENDANT'S MOTION TO STAY [DE#23]**

On March 30, 2011, the Court issued an Opinion and Order granting Defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). The Court afforded Plaintiff until April 25, 2011 to file an amended complaint, if she chooses, curing the defects found by the Court. Three motions currently remain pending in this matter. The first is Defendant's motion to strike an affidavit that was attached to Plaintiff's response in opposition to Defendant's motion to dismiss. The Court denies this motion as moot because the Court did not consider the affidavit in adjudicating the motion to dismiss.

The second motion that remains outstanding is Plaintiff's motion for class certification. The Court's review of this motion reveals that it is tied to the content of the initial complaint, as evidenced by the fact that Plaintiff cites the initial complaint throughout the motion. Because the initial complaint is no longer in existence, the Court denies as moot Plaintiff's motion for class certification without prejudice to Plaintiff's ability to file a new motion for class certification if an amended complaint is timely filed.

The third motion that remains outstanding is Defendant's motion to stay both discovery and briefing related to Plaintiff's motion for class certification pending the Court's

ruling on Defendant's motion to dismiss. The Court denies Defendant's motion to stay as moot because the motion to dismiss has been adjudicated.

SO ORDERED.

s/Mark A. Goldsmith

MARK A. GOLDSMITH

United States District Judge

Dated: April 14, 2011

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 14, 2011.

s/Deborah J. Goltz

DEBORAH J. GOLTZ

Case Manager